

**PRODUCT:** 163 cases, each containing 6 cans, of tomato puree at Philadelphia, Pa.  
**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.  
**DISPOSITION:** October 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**10321. Adulteration of tomato puree and tomato paste. U. S. v. 140 Cases of Tomato Puree and 600 Cases of Tomato Paste. Decrees of condemnation. Puree ordered destroyed; paste ordered released under bond.** (F. D. C. Nos. 17550, 18958. Sample Nos. 5027-H, 6126-H.)

**LIBELS FILED:** January 8 and March 1, 1946, Eastern District of Pennsylvania and Northern District of New York.

**ALLEGED SHIPMENT:** On or about November 2 and December 13, 1945, by the Caruso Products Distributing Corporation, from Newark, N. J.

**PRODUCT:** 140 cases, each containing 6 No. 10 cans, of tomato puree at Utica, N. Y., and 600 cases, each containing 6 No. 10 cans, of tomato paste at Philadelphia, Pa. Examination of the tomato paste showed the presence of swells and springers, indicating that a part of the product was in a condition of active spoilage. Examination of the tomato puree showed the presence of decomposed tomato material.

**LABEL, IN PART:** (Puree only) "Suzy Bel Brand Fancy Tomato Puree \* \* \* Packed by Stanislaus Canning Co., Modesto, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

**DISPOSITION:** April 9, 1946. No claimant having appeared for the tomato puree, judgment of condemnation was entered and the product was ordered destroyed. On July 2, 1946, the California Canning Co., Manteca, Calif., claimant for the tomato paste, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good be separated from the bad and that the latter be destroyed under the supervision of the Food and Drug Administration.

**10322. Adulteration and misbranding of canned tomatoes and adulteration of tomato puree and tomato paste. U. S. v. 161 Cases of Canned Tomatoes (and 3 other seizure actions against tomato puree and tomato paste). Decrees of condemnation. Portion of products ordered released under bond; remainder ordered destroyed.** (F. D. C. Nos. 15706, 18706, 19000, 19673. Sample Nos. 5606-H, 7322-H, 7368-H, 8150-H.)

**LIBELS FILED:** March 26, 1945, and January 2 and 22 and April 16, 1946, Eastern District of New York and District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 2, 1944, and October 23 and November 9 and 20, 1945, by the Califruit Canning Co., from Manteca, Calif.

**PRODUCT:** 161 cases, each containing 24 cans, of tomatoes, 800 cases, each containing 6 No. 10 cans, of tomato puree, and 429 cases, each containing 96 6-ounce cans, of tomato paste at Newark, N. J.; and 32 cases, each containing 48 10½-ounce cans, of tomato puree at Brooklyn, N. Y. The canned tomatoes were a mixture of unpeeled pear-shaped tomatoes and tomato puree. Examination showed that all three of the products contained decomposed tomato material.

**LABEL, IN PART:** "Enrico Caruso Brand [or "Valia Brand"] Tomato Paste," or "Lulu Brand Extra Heavy Tomato Puree." The canned tomatoes and one lot of tomato puree were marked "unlabeled." No written agreement existed as to the labeling of the canned tomatoes.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

Misbranding (canned tomatoes), Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the food.